

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

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FRIENDS OF PINE STREET, d/b/a )  
PINE STREET COALITION )  
Plaintiff, )  
v. ) Civil Action No.  
 ) 5:19-CV-00095-GWC  
THOMAS D. EVERETT, in his capacity as )  
Executive Director of the Federal Highway )  
Administration, JOE FLYNN, in his capacity )  
as Secretary of the State of Vermont Agency of, )  
Transportation, and MIRO WEINBERGER, in )  
his capacity as Mayor of Burlington, )  
Defendants. )

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**DEFENDANT THOMAS D. EVERETT'S STATUS REPORT**

Defendant, Thomas D. Everett, in his official capacity as Executive Director of the Federal Highway Administration (“FHWA”), by and through his attorney, Jonathan A. Ophardt, Acting United States Attorney for the District of Vermont, hereby provides the Court with this Status Report in compliance with the Court’s August 9, 2019, Order granting a voluntary remand to FHWA.

Since the October 30, 2020, Status Report, defendants FHWA, the Vermont Agency of Transportation, and the City of Burlington have been preparing and revising responses to the over 150 comments to the Notice of Availability for the Draft Limited-Scope Supplemental Environmental Impact Statement (LS-SEIS) that was posted in the *Federal Register* on July 10, 2020. Those responses and the LS-SEIS are undergoing review by various teams within the Defendant organizations.

It is currently anticipated that publication of the responses to comments and Limited-

Scope Final Supplemental Environmental Impact Statement (LS-FSEIS) will occur in August 2021. Once the LS-FSEIS is signed there is a 30-day period prior to publication of a Record of Decision (ROD). Given those regulatory timing requirements, it is most likely that the ROD will be issued between September and October 2021. FHWA proposes that the stay be continued, and that FHWA submit to the Court a further status report at the earlier of the date a new decision is published by FHWA or October 22, 2021.

Dated at Burlington, in the District of Vermont, this 20<sup>th</sup> day of May, 2021.

Respectfully submitted,

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Acting United States Attorney

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